

# ***Headquarters U.S. Air Force***

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*Integrity - Service - Excellence*

## ***U.S. Air Force 2016 Annual Ethics Training***

**Presented by**

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# *U.S. Air Force Core Values*

**Integrity First**

**Service Before Self**

**Excellence In All That We Do**

As Airmen, we commit to conducting our service to the Nation in accordance with these Core Values.

As Federal Employees, we are also bound to act in accordance with the 14 Principles of Public Service.

- These 14 Principles establish a Government-wide Standard of Conduct
- They are also integral to and align with the Air Force Core Values

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# ***The 14 Principles of Public Service***

## ***INTEGRITY FIRST***

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- Public Service is a Public Trust—the law comes first!
- Personal financial interests cannot conflict with the performance of your duties.
- Act impartially.
  - Do not give preferential treatment to anyone
- Do not disclose nonpublic information.
- Do not bind the government without authorization.
- Avoid even the appearance of legal or ethical violations.



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# ***The 14 Principles of Public Service*** ***SERVICE BEFORE SELF***

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- Do not use public office for private gain.
- Do not accept or solicit gifts from a person or group with an interest before the Air Force.
- Do not let outside employment or activities conflict with official duties.
- Report fraud, waste, abuse and corruption.



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# ***The 14 Principles of Public Service EXCELLENCE IN ALL WE DO***

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- Give honest effort in the performance of your duties.
- Use Federal property only for authorized activities.
- Satisfy your obligations as a citizen.
  - Pay your taxes, participate in jury duty, etc.
- Provide equal opportunity to all, regardless of race, color, religion, sex, national origin, age, or disability.



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# *Political Activities* ***Communications w/ Campaigns***

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Engagement on transition activities, prior to the election, is limited to authorized representatives of eligible candidates only

- The GSA Administrator will designate eligible candidates following the nomination conventions of both parties

Until further notice, Air Force personnel may not engage with potential Presidential candidates or their authorized representatives on any matter related to their official duties under any circumstances

- Immediately report any contact from potential Presidential candidates or their campaigns to SAF/AA (AF Transition Assistance Coordinator)



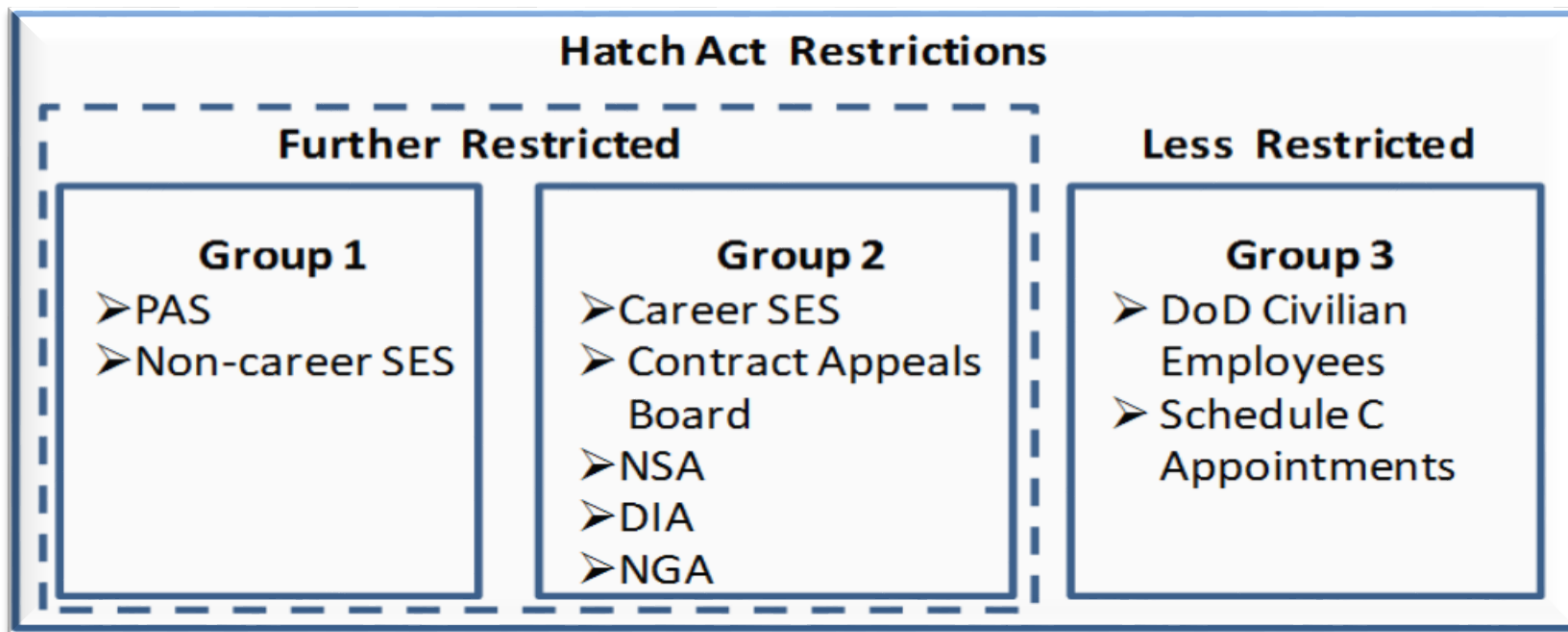
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# *Political Activities* **Applicable Rules & Regulations**

## **Military Personnel ~ DoD Directive 1344.10; AFI 51-902**

- Applies to active duty and ARC members on active duty orders
- May also apply to those not on active duty, including retired members

## **Civilian Employees ~ The Hatch Act; 5 C.F.R. Parts 733-734**





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# ***Political Activities Permissible Activities***

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**All Air Force personnel may:**

- **Vote**
- **Promote and generally encourage others to vote**
- **Display bumper sticker on POV**
- **Display campaign sign in yard of residence (except on base)**
- **Donate to a campaign**
- **Express personal opinions on candidates or issues**
- **Participate in nonpartisan activities**
- **Sign nominating or legislative action petitions**
- **Write letters to the editor / post opinions on blogs (may require disclaimer)**
- **Attend (but not participate in) a political rally**





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# Political Activities Prohibited Activities

Air Force personnel may **not**:

- Use official authority or influence to affect outcome of an election
- Fundraise (i.e., solicit or receive political contributions) at **any** time
- Solicit or coerce votes from, or otherwise influence, a subordinate
- Use official title in connection with partisan political activities
- Use government resources (equipment, time, email, **subordinate's time**, etc.) to engage in partisan political activities
- Engage in partisan political activity in a federal workplace, including on one's personal device
- Speak before a partisan political gathering
- Be a candidate for, or hold, a civil office except as authorized by SecAF





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# *Political Activities General Distinctions*

	<b>Military Members (Active Duty)</b>	<b>“Less Restricted” Civilian Employees</b>	<b>“More Restricted” Civilian Employees</b>
Attend partisan political club meetings	Yes, but not in uniform and may not actively participate	Yes and may actively participate	Yes, but may not actively participate
Serve as an official of a partisan political club	No	Yes	No
Speak before a partisan political gathering	No	Yes	No
Perform any duties for a partisan political committee or candidate	No	Yes	No
Publish partisan political writings soliciting votes	No	Yes	No
Participate in partisan fundraisers and events	No, but may attend if not in uniform	Yes, but may not actually solicit or receive funds	No, but may attend
March in partisan political parade or canvas for votes	No	Yes	No



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# ***Political Activities Social Media***

## **Prohibitions apply to social media (e.g., Facebook, Twitter, etc.)**

- May express personal views on public issues or political candidates
  - Disclaimer may be required
- May become “friend,” “like,” or “follow” the social media page of a partisan group or candidate
  - Disclaimer may be required
- May not engage in partisan political activities on duty, in workplace, or using government resources
- May not fundraise
  - Includes posting links to fundraising sites, “liking” or “retweeting” solicitations, and forwarding invitations to fundraising events



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# *Political Activities* *Social Media*

**Additional prohibitions for military members and “further restricted” employees:**

- May **not** post or link to a campaign or other partisan material of a political group or candidate
- May **not** “share” these entities’ Facebook pages or their content
- May **not** “retweet” posts from these entities’ Twitter accounts

**UCMJ prohibitions may apply to comments, posts, and links:**

- Contemptuous language against certain public officials
- Releasing classified or sensitive information
- Posting unprofessional material that is prejudicial to good order and discipline



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# *Thoughts and Questions*

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## Questions on Political Activities?

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# *Setting the Ethics Climate in Your Organization*

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- Lead by example – this has the strongest impact of all
- Do not tolerate “minor” ethical or moral shortcuts
- Speak up when you see problems – large or small
- Understand that “knowing tolerance” = Approval
- Encourage subordinates to help you spot issues and reach answers
- Enforce all the programs that emphasize high standards of conduct and respect for all
- Publicly recognize and reward integrity



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# ***Conflict of Interests***

Two key provisions:

- It is a Federal crime for a Federal employee to participate in a Government matter that **triggers an ACTUAL financial conflict of interest**. (18 U.S.C. § 208)
- The Ethics Rules also restrict Federal employees from participating in Government matters that would **APPEAR to trigger a financial conflict of interest**. (5 CFR § 2635.502)

## **Additional Restrictions:**

- Federal employees may **not accept a bribe**.
- Federal employees may **not represent or accept money for representing** another's interests before the U.S. Government (in most situations).
- Federal employees **may not solicit or make soliciting sales** to subordinates or those junior in rank/grade to them (or their families).
- Federal employees **may not accept payment from another for the performance of their Federal duties** (exceptions for Reserve Component members).



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# ***Conflict of Interests - Law***

18 USC § 208 prohibits Executive Branch employees from:

- Participating **personally and substantially** in an official capacity
- In any **particular matter** that has:
  - A **direct and predictable effect** on their financial interests
  - Or upon those financial interests that are imputed to them
- Violations are punishable by up to one year in jail (five years for willful conduct).

**“Participating personally and substantially”**  
means direct involvement of significance to the matter (e.g., decision-making, advice, investigation, recommendation); not administrative or perfunctory involvement.

**“Particular matter”** - a government matter/ action that impacts a specific person or group. Examples include specific government contracts, lawsuits, grant requests and investigations.





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# ***Conflict of Interest - Imputed Interests***

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You may not personally and substantially participate in any particular matters that conflict with:

- Your own financial interests/holdings; OR
- Interests that are imputed to you:
  - Your spouse; minor children; general partners  
*[E.g., Your spouse's stock in a defense contractor];*
  - Entities for which you serve as officer, director, trustee, general partner or employee *[E.g., Service as officer of a non-profit entity];* or
  - Non-Federal entities with which you are negotiating for employment, or have an arrangement for employment.



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# *The Appearance of Impartiality*

Even when a true financial conflict of Interest does not exist (as defined by the criminal law)...

Federal employees should not participate in a government matter, if the circumstances would cause others to question that employee's ability to be fair and impartial when working on that matter.



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# ***Appearance of Impartiality in Performing Official Duties***

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- You should **also** seek a determination from your supervisor about whether you may work on a matter, if the matter involves:
  - A person or organization you have a business relationship with,
  - A member of your household (other than your spouse or minor child),
  - A relative with whom you have a close personal relationship,
  - An organization your spouse, parent or dependent child is working for (as an officer, employee, consultant, etc.),
  - An organization that you worked for in the last year, OR
  - An organization in which you are an “active participant” (such as a committee chair or project officer)



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# ***Actual Conflict or Appearance Concerns: What Should You Do?***

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- If you believe you may have a conflict of interest or appearance of impartiality issue:
  - Notify your supervisor
  - Consult with an ethics counselor
- Discussions with ethics counselor not protected by attorney-client privilege
- Take steps to mitigate the problem:
  - Reduce stock ownership to below \$15,000
  - Ask supervisor to assign duties to another employee
  - Request an individual waiver from the conflict of interest rules



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# *Gifts—An Ancient Problem*

***“It is said  
that gifts persuade  
even the gods.”***

**Euripides**

***Medea***

**431 BC**



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# ***Gift Rules - Overview***

**An Executive Branch employee generally may not accept:**

- Gifts that are given **because of his or her official position**, OR
- Gifts from a **“prohibited source”**

**“Prohibited source”** includes DoD contractors, employees of DoD contractors, and anyone seeking official action from the DoD/AF

There are about 30 exceptions to the general ban on accepting gifts from outside sources

Employees may not solicit a gift from a “prohibited source,” a gift that would be given to them because of their official position, or a gift to the AF



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# ***What gifts may be accepted?***

- **Modest items of food and refreshment** offered other than as part of a meal (such as coffee, soft drinks, donuts or light hors d'oeuvres)
- Items with **little intrinsic value** that are **intended solely for presentation** (such as plaques, certificates and trophies)
- Benefits offered to **all military personnel or all government employees** (such as the “military discount” at stores and hotels)
- **Gifts up to \$20** in value (not cash) per source, per occasion, **provided** all gifts accepted from a given source within a calendar year **do not exceed a value of \$50**
- Free attendance at a “**widely attended gathering**” (“**WAG**”) event as determined by an Ethics Counselor and SAF/GCA
- Gifts based on a **personal relationship** (e.g. family or long-time friendship), **if paid for with personal funds**



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# ***What to Do If a Gift May Not Be Accepted***

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- **REFUSE or DECLINE** - You may refuse/decline the gift and explain that there are gift restrictions for Federal employees
- **PAY the FAIR MARKET VALUE** of the gift to the donor
- **DONATE, SHARE, or DESTROY** - If the gift is a perishable tangible item (such as flowers or edibles), you may (with approval of supervisor or ethics counselor) donate it to a charity, share it within the office, or destroy it





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# *Gifts from Foreign Governments*

- **Personal Acceptance:**

A Federal Employee may personally accept Foreign Gifts valued at **\$375 or less**

- **Accept on behalf of the agency:**

Foreign Gifts valued at **more than \$375** may be used/displayed within the accepting office or turned over to the USAF Gift Custodian

- **Decline/Return/Reimburse / Pay Fair Market Value**



# *Gifts in the Workplace*

- Gifts from employees should be discouraged.
  - Smart management: avoids perceptions of favoritism
- **Exception:** occasional & infrequent gifts
  - \$10 or less
- **Exception:** in-home hospitality by subordinate
- **Exception:** customary gifts when visiting superior's home
  - Reasonable dollar value (e.g., \$15 bottle of wine)
- **Exception:** special occasion gifts
  - Significant & infrequent personal occasion (e.g., marriage)  
Reasonable dollar value (\$300 limit if retirement/PCS)
- **THE RULE:** Federal employees may give gift to superior on a special occasion that is **appropriate and reasonable.**



# *Use of Government Resources*

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**GENERAL RULE:** You may not use government property, including official time, for other than authorized purposes. You may not use the time of a subordinate for other than official duties, unless authorized by statute or regulation.

**Exception:** Subject to supervisor approval, you may use Government resources for personal purposes **IF** it is approved by your agency **and** the use:

- Does not adversely affect the performance of official duties;
- Is of reasonable duration and frequency;
- Serves a legitimate public interest (such as keeping the employee at their desk);
- Does not reflect adversely on DoD; and
- Creates minimal or no significant additional cost to DoD.



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# *Misuse/Abuse of Position*

DoD personnel may not use their official position, title or authority to:

- Induce or coerce a benefit for themselves, or
- To endorse a personal activity, product, service or enterprise

*For examples of violations, see the DoD Standards of Conduct Office's "Encyclopedia of Ethical Failure"*



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# ***Outside Organizations: Non-Federal Entities (NFEs)***

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- **Two Primary issues:**
  - Providing support
  - Participating in activities and events
- **NFEs include contractors, private organizations, non-profit organizations.**
  - Treat all the same
- **Some logistical support may be allowed (JER 3-211)**
- **Serve on boards in personal capacity – be careful!**
  - Use rank and name; not position
- **Avoid actions appearing to endorse particular NFE**
  - CFC/AFAS exceptions
- **Professional Military Orgs (AFA, ROA, NGAUS etc.):**
  - Generally no special status regarding support by AF
  - May publicize items of general interest – same for all NFEs
  - No fundraising or compelling others to join



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# ***Post-Government Employment – Key Considerations for Job Hunting***

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- **Notice & Disqualification** – Avoid potential Conflict of Interests
- **Procurement Integrity Act** – Compensation ban
- **Representational Restrictions (18 U.S.C. § 207)** – Upon leaving the Federal Government, employees are subject to additional CRIMINAL restrictions under this statute that may limit their ability to interact with the Federal Government on behalf of another person or entity.



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# ***Post-Government Employment - Representational Restrictions***

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- Prohibits representing another before U.S. Government with intent to influence US government action
  - Lifetime ban
  - 2-year ban
  - 1-year cooling-off period for senior employees
  - 1-year ban on treaty negotiations
  - 1-year ban on senior employees representing foreign entities



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# *Financial Disclosure - Filing the OGE 278*

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**REPORTING TIPS:** When filing your **OGE 278** report, please remember to include the following information in the appropriate section of the report:

- Your spouse's employer (if any), any financial holdings your spouse holds (stocks, employer retirement plans, etc.), and any jointly held financial interests
- Any positions you hold outside of your Government job (such as non-profits and professional organizations), even if the position is unpaid
- Do **not** need to list Government salaries/retirements.
- For securities, give asset name AND ticker tape symbol if available.
- IRA, 401k and all Brokered/Managed accounts
  - These are generally portfolios holding underlying investments.
  - **278 Filers** – You must list all underlying assets held within the account.
- If an interest might appear to be a conflict (e.g. – you work in CIO/G-6 and own CISCO stock) – use the comment function to explain.





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# STOCK Act

## Special Considerations for OGE 278 Filers



- All OGE 278 filers must file OGE 278 -T Periodic Transaction Reports when they purchase, sell, or exchange any of the following assets with a value of greater than \$1,000:
    - Stocks
    - Bonds
    - Commodities futures
    - Any other form of security
  - OGE 278-T Reports must be submitted by OGE 278 filers to their supporting Legal Office within 30 days of actual notice or 45 days of transaction. (\$200 fee if the report is filed late)
  - **The filer must report transactions of assets held by spouse or dependent child.**
  - **HAF: reports are due to SAF/GCA by 15<sup>th</sup> of every month**
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- Personal Mortgage - **GO** and **PAS** officials must report personal residence mortgage on Schedule C Part I (liabilities section) of their OGE 278 Report
  - 3-Day Employment Negotiation Notice - OGE 278 filers must submit a “notification statement” within 3 days of negotiation with any NFE for future employment OR compensation. Template is available. Must also file a recusal when there is a conflict of interest



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# ***Four General Rules for Ethical Conduct***

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- 1. If it doesn't feel right, it probably isn't.**
  - it's all about common sense and integrity**
- 2. There is no excuse for not knowing the rules - when in doubt, ask!**
- 3. The appearance of unethical conduct can be as bad or worse than actual violations**
- 4. Public service is a privilege and public trust that we must never compromise**
  - WE set the standard!**